

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SILVERLIT TOYS MANUFACTORY, LTD., a  
Hong Kong company; and SPIN MASTER  
LTD., a Canadian corporation,

No. C 06-7966 CW

Plaintiffs,

PRELIMINARY  
INJUNCTION

v.

ABSOLUTE TOY MARKETING, INC., a Utah  
corporation, dba HOBBYTRON.COM; TIM  
GIBSON; and JIM ROYER,

Defendants.

Plaintiffs Silverlit Toys Manufactory, Ltd. (Silverlit) and  
Spin Master Ltd. (Spin Master) move for a preliminary injunction.  
Defendants Absolute Toy Marketing, Inc., d.b.a. HobbyTron.com, Tim  
Gibson and Jim Royer oppose the motion. As discussed in a separate  
order, the Court grants in part Plaintiffs' motion for a  
preliminary injunction.

The Court hereby enjoins Defendants from (1) importing,  
advertising, forwarding, displaying (either on their website or  
otherwise), selling, offering for sale, or in any way commercially

1 exploiting the "Pico Z" or "Picco Z" products, their instruction  
2 manuals, or their packaging, as well as any and all other toy  
3 helicopters or products that are unlawful and unauthorized copies  
4 of the Silverlit Picoo Z Helicopter, the Picoo Z instruction  
5 manual, or the Picoo Z packaging; (2) displaying (either on their  
6 website or otherwise), reproducing, or in any way commercially  
7 exploiting copies (including images of) the Silverlit Picoo Z  
8 Helicopter, the Picoo Z instruction manual, or the Picoo Z  
9 packaging in any way, including, but not limited to, the  
10 importation, advertisement, forwarding, display (either on their  
11 website or otherwise), sale, offering for sale, or commercial  
12 exploitation of the "Pico Z" or "Picco Z" products, their  
13 instruction manuals, or their packaging; (3) engaging in any  
14 unauthorized use of Plaintiffs' federally registered Silverlit  
15 trademark and trade name and the common law Picoo Z trademark,  
16 including, without limitation, any confusingly similar variation,  
17 or colorable imitation thereof; (4) engaging in any further conduct  
18 suggesting or tending to suggest that the "Pico Z" or "Picco Z"  
19 products, their instruction manual, or their packaging are directly  
20 or indirectly sponsored by, approved by, or affiliated with  
21 Plaintiffs; and (5) engaging in any further acts conveying the  
22 impression to the public by their displays, marketing, advertising,  
23 packaging, displays, or otherwise that the "Pico Z" or "Picco Z"  
24 products, their instruction manuals, or their packaging are  
25 directly or indirectly sponsored by, approved by, or affiliated  
26 with Plaintiffs.

27 Pursuant to 17 U.S.C. § 503, 15 U.S.C. § 1118, and other  
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1 applicable law, Defendants, their officers, agents, servants, and  
2 employees, and any persons acting in concert or participation with  
3 them also are directed to deliver forthwith for impoundment,  
4 pending the resolution of this litigation, all products,  
5 instruction manuals, packaging, images, and promotional materials  
6 infringing on Plaintiffs' copyrights and trademarks or any  
7 simulation, reproduction, counterfeit, copy, confusingly similar  
8 variation, or colorable imitation thereof, and all plates, molds,  
9 matrices, and other means of making the same.

10 The preliminary injunction takes effect on the filing of a  
11 \$1,000 bond by Plaintiffs.

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13 IT IS SO ORDERED.

14 2/9/07

15 Dated: \_\_\_\_\_



16 CLAUDIA WILKEN  
17 UNITED STATES DISTRICT JUDGE  
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